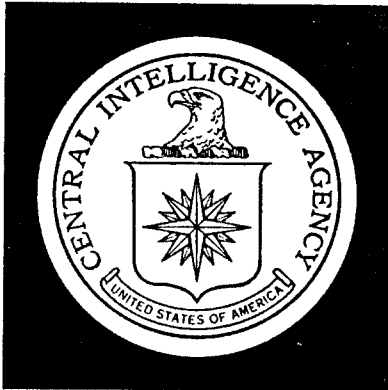


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DIRECTORATE OF
INTELLIGENCE

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Intelligence Report

*Disarmament: Chemical-Biological Warfare Controls
and Prospects for Improvement*

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18 August 1969



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CENTRAL INTELLIGENCE AGENCY
Directorate of Intelligence
18 August 1969

INTELLIGENCE REPORT

Disarmament: Chemical-Biological Warfare Controls
and Prospects for Improvement

Introduction

Accelerating interest in disarmament has recently brought a palpable increase in efforts to gain international control over the development, production, and use of chemical and biological warfare (CBW) agents. While primary attention since World War II has focused on the nuclear arms race, popular concern over CBW has grown as a result of press reporting on the use of harassing agents in Vietnam by the US, [REDACTED]

[REDACTED] public disclosures of research programs and foreign deployment, and various incidents involving CBW. In international forums diplomatic initiatives reminiscent of the 1920s are once more directed to finding ways and means of eliminating the threat of CBW. In particular, the United Nations - sponsored Geneva Disarmament Committee (referred to here as the Eighteen Nation Disarmament Committee, or ENDC, in spite of its recent enlargement) is now discussing CBW. The UN General Assembly is expected to take up the issue in the fall.

The diplomatic history of CBW control is a lengthy one, the first efforts in the field going back to the last third of the 19th century. Proponents of new initiatives are therefore confounded

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by the multiplicity of existing international documents and diverging interpretations thereof that make up the body of law on the subject. Moreover, in addition to the tangle of legal opinions, certain international customs are sometimes cited as constituting implicit international restraints having the force of formal agreements. The history of efforts to regulate CBW within the overall context of disarmament, and a discussion of recent developments on the subject and their prospects for success follow. Conclusions appear in paragraphs 43 and 44.

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Background

Documents of Historical and Current Interest

General

1. The "unnecessary suffering" principle, which has given rise to earlier attempts to control the class of weapons referred to as CBW agents, accounts for the perennial controversy as to which weapons should fall within the class. The list of offending agents has varied with time and with the contributions of science. The principle itself has undergone several mutations. In conferences during the late 19th and early 20th centuries, nations appear to have generally agreed on the axiom, if not its implementation, that devices causing suffering out of proportion to their military effect, or those indiscriminately acting upon military forces and civilian populations alike, should be shunned. In recent times, massive retaliation strategies involving civilian populations appear to have rendered this principle obsolete, and it has been superseded by the more comprehensive goal in disarmament circles of outlawing all weapons of mass destruction along the way to general and complete disarmament. Nevertheless, the old philosophic disputes have bequeathed a legacy of confusion to the various documents treated below that make up CBW law today.

Declaration of St. Petersburg

2. In 1868, 20 states signed the Declaration of St. Petersburg, which prohibited "the employment of arms which uselessly aggravate the sufferings of disabled men or render their death inevitable...as contrary to the laws of humanity." This language was used frequently at later conferences to support the "unnecessary suffering" principle and, specifically, to argue against waging gas warfare or using poisons. It is considered the earliest evidence supporting the contention advanced from some quarters that CBW weapons are proscribed by general practice and customary international law.

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The Hague Gas Declaration

3. The Hague Peace Conference of 1899 produced the Gas Declaration of 1899, which provided in part:

Inspired by the sentiments which found expression in the Declaration of St. Petersburg, . . .

The Contracting Powers agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

The declaration ultimately was ratified by 27 states. Both it and the so-called Convention IV of the 1907 Hague Peace Conference, which banned the use of "poison and poisoned weapons," were in effect but were largely ignored during World War I.

4. The Gas Declaration was deficient in several respects. It outlawed only projectiles with the sole object of spreading gas. The phrase "asphyxiating and deleterious gas" was open to various interpretations, and the uncertainty over the noxious substances to be controlled has yet to be resolved. The on-going controversy over tear gas and other harassing agents can be traced to the Gas Declaration. Controversies of interpretation, as well as broad-gauged disregard of it and Convention IV during World War I, have probably rendered both ineffectual as viable commitments of states.

5. The Treaty of Versailles, and the other agreements at the close of the war, included language prohibiting the defeated states from manufacturing or importing "asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices." Thought by some to be an effort to rehabilitate the earlier agreements, others nevertheless sought further measures and for a time the focus for CBW efforts was in the League of Nations.

The Treaty of Washington

6. As part of a comprehensive attempt to limit armaments, the US called a conference in 1921 that, among other things, produced the Treaty of Washington

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of 6 February 1922. It never went into effect because, of those signing, France never ratified. The language pertaining to chemical warfare, (CW), however, survived to be used almost intact in the Geneva Protocol.

Geneva Protocol (Protocol Prohibiting the Use
in War of Asphyxiating or other Gases, and of
Bacteriological Methods of Warfare, Geneva,
June 17, 1925)

7. Following presentation by a League of Nations group of experts of a report on chemical and bacteriological warfare that emphasized the unpredictable effects of these weapons on civilian populations, the Conference for the Supervision of the International Trade in Arms, Ammunition, and Implements of War was convened in Geneva. After much debate, a protocol was drafted that made use of the language in the Treaty of Washington and added a clause on bacteriological warfare. The final version reads in part:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices has been justly condemned by the general opinion of the civilized world, and

Whereas the prohibition of such use has been declared in treaties to which the majority of the Powers in the world are Parties; and

To the end that this prohibition shall be universally accepted as part of International Law, binding alike the conscience and practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

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COUNTRIES THAT HAVE RATIFIED OR ACCEDED TO THE GENEVA PROTOCOL

Asterisks indicate ratification or accession with reservations.

Argentina	Iceland	Norway
*Australia	*India	Pakistan
Austria	*Indonesia	Paraguay
*Belgium	Iran	Poland
*Bulgaria	*Iraq	*Portugal
*Canada	*Ireland	*Romania
Ceylon	*Israel	Rwanda
*Chile	Italy	Sierra Leone
China	Latvia	*Spain
Cuba	Lebanon	Sweden
Cyprus	Liberia	Switzerland
*Czechoslovakia	Lithuania	*Syria
Denmark	Luxembourg	Tanzania
*Estonia	Madagascar	Thailand
Ethiopia	Maldives Islands	Tunisia
Finland	Mexico	Turkey
*France	Monaco	Uganda
Gambia	*Mongolia	*Union of South Africa
Germany	*Netherlands	*United Kingdom
Ghana	Nepal	*USSR
Greece	*New Zealand	UAR
Holy See	Niger	Venezuela
Hungary	*Nigeria	Yugoslavia

Notes: Paraguay is believed to have acceded in 1933, but France, the depository government, never notified other adherents of the fact. Communist China has recognized the Republic of China's signature as binding

on the Peking government. Both Germanies are considered adherents. The following countries have signed but not ratified to date: United States, Brazil, El Salvador and Japan.

8. The Geneva Protocol is currently in force and effect. To date it has been acceded to by nearly 70 states (see chart). In spite of continuing dialogue among members of the League to improve upon it, it stands over 40 years later as the most significant multilateral undertaking on the subject. Almost all major, and most minor, military powers have acceded to it with the important exception of the United States and Japan. Few documents of international law have experienced the difficulties of interpretation, however, that have surrounded the Geneva Protocol.

United Nations and CBW

9. The changing emphasis in arms control after World War II is reflected in a resolution of the UN Security Council's Commission for Conventional Armaments dated August 12, 1948:

...weapons of mass destruction should be defined to include atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons....

This category of "weapons of mass destruction" has occupied the attention of arms control experts almost exclusively since 1945, with nuclear controls receiving the bulk of the effort. Nevertheless, for CBW the resolution quoted above marked a shift of emphasis. CBW's identification as of comparable destructive capability with nuclear devices focused attention on the difficulties of enforcing and verifying compliance with any new measures seeking to control the development, production and stockpiling of CBW agents. It is generally conceded, moreover, that these verification problems with regard to CBW promise to be more difficult than equivalent problems in nuclear disarmament.

10. A number of nations have maintained continuous pressure, primarily at the UN, to gain additional adherents to the Protocol in order to strengthen its effectiveness. The Soviet Union levied charges, in the aftermath of the Korean War, that the US had used biological warfare (BW) against the North Koreans and Chinese, and, as a means of

making the allegations more plausible, pointed to the failure of the US to ratify the Protocol. The Soviets have made use of the UN and other forums to state their support for the Protocol and urge other nations to ratify it.

11. In 1966, the UN General Assembly passed a resolution that called for strict observance by all states of the principles and objectives of the Protocol, encouraged its widespread acceptance, and condemned all actions contrary to its objectives. The resolution passed by a vote of 101 in favor, none opposed, and three abstentions. Although the US and a number of other nations that have not ratified the Protocol voted for the resolution, this does not bind them to accede to the Protocol itself.

The Secretary General's Report

12. In response to a request by the UN's Eighteen Nation Disarmament Committee, the General Assembly in 1968 commissioned the Secretary General to undertake a study of the effects of the uses of CBW. That report, which was prepared by a group of 14 experts from various countries whom the Secretary General appointed, was made public on 2 July 1969.

13. It emphasized the dangers to international security of developing, perfecting, producing, and stockpiling CBW agents. It observed that the outstanding characteristic of CBW is the unpredictability of waging it. The impact of a given application could be devastating or negligible, depending upon conditions and the particular agent used, and possible upsets of ecological balances could result. Civil defense against CBW was termed prohibitively costly and administratively impossible. The report also emphasized the danger that escalation to even more formidable weapons (i.e., nuclear and thermonuclear devices) could be triggered by the use of CBW. Moreover, because the means for acquiring these weapons is well within the capability of virtually all countries, proliferation is stressed as a frightening eventuality. The report concludes:

It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of ...[CBW]... weapons.

14. In a foreword to the report, the Secretary General gave his full endorsement to its findings and conclusions, and called upon the members of the United Nations to undertake the following measures:

1. To renew the appeal to all States to accede to the Geneva Protocol;
2. To make a clear affirmation that the prohibition contained in the Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist, or which may be developed in the future;
3. To call upon all countries to reach agreement to halt the development, production and stockpiling of all chemical and bacteriological (biological) agents for purposes of war and to achieve their effective elimination from the arsenal of weapons.

15. These recommendations were transmitted to the ENDC and the General Assembly as part and parcel of the report. Simultaneously with its receipt in Geneva the UK delegation of the ENDC introduced a draft treaty to govern the use, development, and production of BW weapons. The ongoing negotiations in that forum and the further discussions of CBW that are expected to follow when the General Assembly convenes in September will be strongly influenced by interpretations of the report, Thant's recommendations, and of course the body of law represented by the documents outlined above.

The Existing Law of CBW as Currently Interpreted

16. In the consideration of CBW controls, three broad questions have received attention more or less continuously since 1925. They are: A. What weapons, agents, and devices are referred to in the Geneva Protocol? B. What activities regarding them are proscribed? C. What nations are bound by the restrictions, and are they effectively bound?

A. What weapons, agents, and devices are referred to in the Geneva Protocol?

17. The English version, "asphyxiating, poisonous or other gases, and ...all analogous liquids, materials or devices" appears on its face broadly to encompass all agents and substances commonly associated with chemical warfare. Commentators and official policies seem in general agreement that it includes the common varieties of gas intended to produce permanent disabilities or death. Among these are numbered the nerve agents (e.g., Sarin), blister agents (mustard), choking agents (phosgene), blood agents (hydrogen cyanide), and toxins (botulinum toxin). The clause that prohibits "bacteriological methods of warfare" indisputably refers to such pathogenic bacteria as cause anthrax, typhoid, and tularemia in human beings.

18. Once this consensus is recorded, however, official and unofficial opinions alike diverge on whether the Protocol outlaws certain other categories of CBW agents. Of perhaps greatest current interest is the controversy over tear gas and other "harassing" agents, and "incapacitating" agents like LSD-25, designed to induce temporary mental aberrations. Where as the Protocol's English text seems broad enough to outlaw these agents, the equally-authentic French text raises doubts. It refers to "gas asphyxiants, toxiques ou similaires, ainsi que de tous liquides, matieres ou procedes analogues..." The French, not a literal translation of the English, has inspired the argument that the Protocol was intended to ban only specified classes of agents: those intended to kill or permanently disable. Advocates of this position

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frequently maintain that to stretch the "unnecessary suffering" principle to include nonlethal harassing and incapacitating CW agents extends the ban by logical inference to most other weapons of modern warfare. Under such a broad construction would come smoke, white phosphorous, incendiaries, napalm, and even conventional explosives, all of which give off gas, and perhaps even asphyxiating gas. Such a comprehensive interpretation, the argument goes, would certainly produce results not intended by the Protocol's draftsmen; hence, harassing and incapacitating gases should be exempted.

19. To draw the line at "lethal" gases, however, occasions still other disagreements. For, if administered in great quantity, harassing and incapacitating agents can prove lethal. This matter has long since become a political, not a juridical, controversy. The Protocol's imprecise language and over 40 years of debate have failed to produce accord. Other differences have focused on the status of antiplant and antilivestock chemical agents. Probably the balance of opinion favors an interpretation of the Protocol outlawing harassing and incapacitating as well as antiplant and antilivestock chemical weapons.

20. The meaning of the ban on "bacteriological methods of warfare" has also provoked disagreement. Other pathogenic micro-organisms including certain fungi, rickettsiae, and viruses, which do not technically fall into the "bacteriological" category, have been discovered since 1925. It has been argued, but without much conviction, that their use would not be prohibited by the Protocol. This interpretation clearly distorts the intended objective of the Protocol, however, which was to make illegal the use of germ warfare, or warfare with "microbes." Uncertainties similar to those regarding chemical agents also arise with respect to harassing and incapacitating biological agents, and biological agents directed against plants and livestock. But it appears that the consensus on this point leans toward an inclusive interpretation of "bacteriological warfare."

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B. What activities regarding CBW are proscribed?

21. The statement is sometimes made by international law experts that a general, customary international ban on the use of CBW is in effect. They base their contention on the various documents referred to above taken in the aggregate, on the general abhorrence of CBW, on official statements of various governments (including those like the US which have not accepted the Geneva Protocol), and on the abstinence from CBW by both sides in World War II. The Protocol's language suggests that the general opinion of the civilized world has condemned the use of CBW. But the language therein also appears to create contractual commitments among only those nations ratifying the Protocol. There have been official statements of policy by a number of powers, including the US, the USSR, the UK, and France, that they will not be first to use lethal CBW agents. Whether all these circumstances add up to a general customary international law banning CBW use may be academic. But the hypothesis has exerted pressure on governments over the years, and has molded world public opinion, which now operates as a reasonably effective de facto deterrent against the use of CBW.

22. No legal sanctions exist at present, however, against the development, production, and stockpiling of CBW agents, and until lately even public opinion seemed to accept these activities as inevitable aspects of the arms race, however repugnant. The Geneva Protocol does not treat these matters, and deals exclusively with use. Current initiatives, of course, seek to develop verifiable controls over these other aspects.

C. What nations are bound, and how effectively?

There is a distinction between customary and contractual undertakings.

23. In international law, the former exist as a general expression of intent among nations, honored informally by practice and custom, but do not involve the mutual exchanges of promises. The latter

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depend upon formal documents of state and have as their basis the mutual exchanges of promises with contingencies and definitions spelled out to mutual satisfaction. For an undertaking to be self-enforcing, that is, augmented by guarantees of compliance beyond the mere good will of the obligor nation, it must in nearly every case be contractual. In some fashion it will probably infringe the sovereignty of the obligor nation, for example by granting other nations the right, on a reciprocal basis, of carrying out inspections inside its territorial boundaries for the purpose of verifying compliance. In general, customary law is less binding than contractual, and bare contractual law is less binding than self-enforcing contractual law on the consciences and practices of nations.

24. At present there exist no self-enforcing restraints in the field of CBW. While language in the Geneva Protocol taken alone does appear to create contractual restraints among ratifying nations, a number of nations, when ratifying, stipulated various reservations. France, in its reservation, which has been used as a pattern by other nations, said it considered its obligation to be contractual with other ratifying countries only. It further stated that France would terminate its obligations with any state whose armed forces or allies should "fail to respect" the Protocol. The Soviet Union reserved the right to disregard the Protocol in the case of states whose armed forces or allies either de jure or in fact "do not respect" the Protocol. Some have concluded that Moscow might interpret the mere failure of a country to adhere to the Protocol as a de jure failure to respect it. In short, the Geneva Protocol probably does create contractual commitments among its assenting parties, but subject to the terms of whatever reservations they have stated.

25. Other language in the Protocol suggests an attempt to bind even nonadherents by referring to world opinion condemning the use of CBW. As noted above, many experts believe this and other circumstances have created a customary restraint which binds all nations. Beyond its utility as a device to underscore public moral outrage in the event of a CBW attack, however, any such customary law has little force or effect.

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26. In summary, the existing restraints are not self-enforcing. Among adherents to the Geneva Protocol, the minimum common contractual obligation is to forbear from the first use of CBW. Nonadherents that have unilaterally eschewed first use (e.g., the US) have probably assumed customary obligations nearly as strong as if they had ratified the Protocol, and nonadherents with no formally declared policy are presumably only bound by whatever force moral suasion might have.

CBW in the Context of Disarmament Negotiations

The Piecemeal Approach

27. The new international trend in disarmament has been pragmatic. Where the US and USSR have been able to agree on limited objectives in specific areas, some disarmament progress has resulted. Hence we have the Outer Space Treaty, the Limited Test Ban Treaty, and the Nonproliferation Treaty (NPT). This piecemeal approach has superseded earlier efforts to reach a single comprehensive agreement on general and complete disarmament. In pursuit of further progress, the US and USSR may soon undertake negotiations in the field of strategic arms limitation talks (SALT). The ENDC is now studying various separate items, including prospects for agreement on a seabed arms control measure, a comprehensive test ban, and the UK-proposed ban on BW. During 1969, the primary focus in the ENDC has been seabeds, a fact that has detracted from prospects for progress in CBW.

The BW Draft Treaty at ENDC

28. On 3 July 1969 the UK delegate to the ENDC tabled a draft treaty that, according to its preamble, is designed to reinforce the Geneva Protocol. It spells out two undertakings. In Article I, all parties engage never to use biological warfare, defined as agents causing death or disease by infection or infestation. In Article II, all parties agree not to produce, acquire, or assist in the production or acquisition of these agents in quantities

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except for peaceful uses or of equipment to facilitate their hostile use; they agree not to conduct, permit or assist in research programs pursuant thereto; they agree to destroy or divert to peaceful uses all their stocks and equipment.

29. Any party believing itself to be the victim of a BW attack in violation of Article I may ask the UN Secretary General to investigate and report to the Security Council. Any party believing that another nation is breaching either Articles I or II may complain to the Security Council and request that it authorize an investigation. All parties further undertake to cooperate with the Secretary General and the Security Council, and to negotiate for achievement of effective chemical warfare controls. Once in effect, the treaty would be of unlimited duration, although it does include an escape clause. By its terms, a country which felt that its supreme national interests were jeopardized by events relevant to the treaty could, upon three months' notice to the other parties, disavow its obligations under the treaty. A companion to the draft treaty is a draft Security Council resolution that empowers the Secretary General to make immediate investigations of alleged Article I violations.

30. Public debate on CBW has been quite active in Britain over the past several years, and London has taken the lead in seeking enforceable controls.

[REDACTED] Reporting has also focused on the use of harassing and antiplant agents in Vietnam by the US, as well as on the nerve gas incidents in Utah and Okinawa. The British government has remained sensitive, however, to the fact that the US considers tear gases and other non-lethal substances permissible under the Geneva Protocol and international custom. Deference to the US no doubt played a part in Britain's decision not to treat CW in its present initiative, since debate on the tear gas issue, part and parcel of any CW discussions, is potentially embarrassing to the US. London has adopted the "piecemeal" method of splitting off a subject upon which agreement is possible while ignoring a potentially volatile issue. In this case, both Britain and the US are apprehensive of reopening US-USSR debate on tear gas in the ENDC.

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31. The British have contended that BW merits separate treatment since it is "totally indiscriminate" whereas CW can be used with a "certain amount of precision". They also maintain that to forgo production of BW agents is no substantial concession, since a nation exercising its prerogative to renounce the treaty could reactivate its BW production facilities in a short time.

32. The British draft has met with considerable resistance in the ENDC from the Soviet Union and its Eastern European allies. Their fundamental objection has been that it separates CW and BW, which, they argue, weakens and undermines the Geneva Protocol. Moscow's spokesman has charged that to treat BW separately might cause an indefinite postponement of a solution to CW, a greater "real threat" than BW, and that it could even accelerate the CW arms race. The Soviets have also informally expressed reservations as to the verification scheme, which affords the Secretary General a powerful role. They have historically sought to limit the powers of that office, and hence would prefer an arrangement conferring more discretion on the Security Council.

33. The Soviets in preventing meaningful discussion of BW in the ENDC, may be hoping to raise the issue in the General Assembly this fall. Recent Soviet propaganda efforts in Southeast Asia and in their domestic publications, together with hints in Gromyko's recent policy speech, suggest the possibility of a Soviet CBW initiative in that forum. Considering the number of countries interested in discussing CBW and their sensitivity to the use of tear gas by the US in Vietnam and the fact that Washington does not accept the Geneva Protocol, it will be difficult to treat the issue without embarrassing the US. It is not thought, moreover, that Moscow really intends to press for new international controls on CBW at this time.

34. The Polish delegate in the ENDC has echoed Moscow's general line on the UK draft treaty. In a working paper he urged strengthening of the Geneva Protocol and called on all UN members to affirm that it applies to the use in war of all chemical and bacteriological agents, including tear gas. Warsaw also indicated an interest in new measures, but with

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joint treatment of CW and BW. The Bulgarians have endorsed Moscow's position and have pointed to the "grave accidents of recent weeks" as reminders of the need for progress on CBW. Romania seems to have been alone among Soviet allies in favoring the British draft.

35. Other ENDC members have made statements, generally in support of the UK initiative, but serious negotiations to develop agreement on specific issues have not materialized. The Canadian delegate has stated his approval of the draft, observing that BW is more easily dealt with because it is not now part of NATO's strategic doctrine. Ottawa desires greater restrictions on CBW and would be pleased if a new initiative could resolve the differences of interpretation surrounding the Geneva Protocol.

36. The Dutch see the draft treaty as reinforcing the Protocol, but have questioned the wisdom of extending the ban to research in view of the obvious difficulties of verifying compliance. The Dutch press has closely followed recent disclosures that the US stockpiles CBW agents in Okinawa and West Germany. Increasing public anxiety in the Netherlands led to a recent official statement by the minister of defense that no such US stockpiles were present in the Netherlands.

37. Japan--a new member in the ENDC--favors supplemental measures to the Protocol and supports the outlawing of development and production in spite of the inherent verification problems. In light of the incident on Okinawa, Tokyo advocates a complete prohibition on the use and production of biological and chemical weapons. Italy's initial reaction was quite negative. The Italian delegate pointed out even the tabling of the BW initiative undermined the Protocol since it reflected the feeling of one of its adherents that the Protocol is inadequate.

38. In Sweden, the press has charged that both the US and USSR are indifferent to the BW initiative. The newspapers have emphasized the need for giving CBW as serious consideration as the nuclear weapons problem, and have made much of "nerve gas accidents" in the US and Okinawa, which were followed by US acknowledgment of its stockpiles in Germany. Sweden has urged that the ENDC follow the Secretary

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General's recommendations on CBW (see paragraph 14) and has drafted a resolution for the ENDC to approve and submit to the General Assembly to implement the Secretary General's second recommendation, which spells out the agents prohibited. The draft resolution is apparently worded so as to minimize conflict over the tear gas question. Its operable portion

...condemns and declares as contrary to the laws of war the use for hostile purposes of any chemical agents of warfare: chemical substances, whether gaseous, liquid or solid, which might be employed because of their direct toxic effects on man, animals or plants, and any biological agents of warfare: living organisms, whatever their nature, or infective material derived from them, which are intended to cause disease or death in man, other animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked....

39. Stockholm prefers to treat CW and BW together, and has included in the draft resolution a call to negotiations in the ENDC to "reach agreement or agreements on the cessation of the development and production of chemical and biological means of warfare, and on the elimination of such means of warfare as have been produced or otherwise acquired for hostile purposes."

40. It appears wholly unlikely that the Geneva talks will be able to present the Assembly this fall with a BW treaty modeled on the UK draft. Nothing like a consensus favoring the UK's initiative is present, and no other drafts have been tabled. Most delegations, however, appear to favor continuing the CBW debate in the Assembly this fall, and in spite of the Swedish effort to minimize disagreements in advance, discussions in New York could prove lengthy and polemical.

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Prospects for CBW in the 24th General
Assembly and Beyond

41. Disarmament will probably occupy considerable time in the 24th General Assembly, which begins on 16 September. The nonnuclear countries are increasingly disturbed over what they see as a super-power nuclear monopoly. Their anxieties over the NPT, which many charged was a perpetuation of the monopoly, were assuaged temporarily by the NPT's Article VI, whose language was intended to obligate the nuclear powers to negotiate new disarmament measures. A number of countries delayed signing or ratifying the NPT to see if the two principal powers, the US and USSR, could agree on meaningful new arms control provisions during the two ENDC sessions this year. It is now becoming doubtful that the ENDC will be able to present such agreements to the Assembly. Prospects for a seabeds treaty, considered earlier the most promising area for US-USSR cooperation, have lately dimmed. Bilateral US-USSR consultations on strategic arms limitation talks have no prospect of producing results in time for the Assembly's opening. Hence the nonnuclear countries, distressed by the lack of progress and anxious to have a greater voice, may implement their threat to reconvene the UN Disarmament Commission (UNDC), an unwieldy committee of the whole of the Assembly, which has not met for over ten years. This could well result in extended shrill debates that the superpowers will be able to guide only with difficulty.

42. The CBW issue is certain to receive much attention, even should there be no UNDC session. Secretary General Thant's report on CBW will be discussed in the light of his three recommendations. At a minimum, his inclusion of harassing agents within the category of CBW will be hotly debated. It is possible that a great deal of support for his second recommendation will develop, which could conceivably result in an Assembly resolution affirming that the Geneva Protocol applies to the use of harassing agents. Heated discussions of CBW in the Assembly might well aggravate the problems of future ENDC sessions concerning CBW. Even if the tear gas issue were put to rest, any enforceable ban on all aspects of CBW poses difficult problems of verification.

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The scheme proposed in the UK draft, making use of UN machinery, might avoid the difficulties of negotiating reciprocal national inspection rights. On the other hand, this might result in a less effective verification system, and it is problematical whether it would gain broad acceptance.

Conclusion

43. The UK initiative on BW in the ENDC will probably founder, whatever its merits. The Soviets and their allies seem intent upon avoiding substantive consideration of it in Geneva in favor of taking the problem to the Assembly. Once the issue is opened in New York, as it most probably will be, various UN members can be expected to exploit the tear gas issue at US expense.

44. Recent international interest, while generating considerable CBW debate, has nevertheless failed to stimulate attitudes that are sufficiently forthcoming to force new international agreements. The basic disputes over existing constraints no longer appear to hinge on philosophic interpretations of the "unnecessary suffering" principle or technical legal argumentation. Instead, they have become political issues in the larger context of general and complete disarmament.

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